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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048989
Party	Plaintiff Top Tobacco, LP
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Date	06/04/2010
Attachments	June ROUTE 66 Report.pdf (3 pages)(12440 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of
Registration Nos. 2,950,896 and 3,328,623

TOP TOBACCO, LP,)	
)	
Petitioner,)	
v.)	Consolidated Cancellation No. 92048989
)	
VAN NELLE TABAK NEDERLAND BV,)	
)	
Respondent.)	

PETITIONER'S CONSENTED REPORT REGARDING CIVIL ACTION

In accordance with the Board's May 21, 2010 Order, Petitioner, Top Tobacco, L.P., with the consent of Respondent, Van Nelle Tabak Nederland BV ("Van Nelle"), hereby submits the following report:

1. Republic Tobacco, L.P., a related company of Petitioner, filed a civil action in June 2008 in the U.S. District Court for the Northern District of Illinois, Eastern Division, against Commonwealth Brands, Inc., a related company of Respondent, to enforce a prior settlement agreement between the respective predecessor companies of Republic and Commonwealth. In its Complaint, Republic asserted several counts, including breach of the settlement agreement and trademark infringement of the marks 1.5 and 1.25 as used in connection with cigarette rolling papers. Commonwealth filed a counterclaim under the Declaratory Judgment Act regarding its use of 1.5 and 1.25 in connection with cigarette rolling papers. *See Republic Tobacco, L.P. v. Commonwealth Brands, Inc.*, Case No. 08-CV-3267 (N.D. Ill.).

2. The case is currently on appeal before the U.S. Court of Appeals for the Seventh Circuit.

3. The registrations that are the subject of this proceeding (Nos. 2,950,896 and 3,328,623), Petitioner's pleaded application (77/393,701), or the ROUTE 66 marks involved in this matter are not involved in or affected by the civil action. However, the parties are engaged in settlement discussions that contemplate a complete settlement of this proceeding, the civil action, and several other proceedings before the Board. These settlement discussions continue to be productive, and the parties are hopeful they will reach a global resolution in the near future.

Date: June 4, 2010

Respectfully submitted,

/Hillary A. Mann/

One of the Attorneys for Petitioner,
Top Tobacco, L.P.

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CERTIFICATE OF SERVICE

I, Hillary A. Mann, an attorney, state that I caused a copy of the foregoing,
PETITIONER'S CONSENTED REPORT REGARDING CIVIL ACTION to be served upon:

Brewster Taylor
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via U.S. Mail, first class, on June 4, 2010.

/Hillary A. Mann/
Hillary A. Mann

NGEDOCs: 1715091.1